

CHAPTER 21

SUBDIVISION REGULATIONS

(Amended '08, '09)

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SECTION 1

GENERAL PROVISIONS

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- 21.1.1. Short title.**

This Chapter shall be known and may be cited as the Grantsville City Subdivision Ordinance.

21.1.2. Purpose.

(1) This Chapter is established to promote the health, safety and welfare of residents of Grantsville City and to provide for the orderly subdivision of land located within Grantsville City, Utah.

(2) The purpose of the Subdivision Ordinance is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area.

(3) It is the purpose and intent of Grantsville City to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

21.1.3. Authority.

This Chapter is enacted and authorized under the provisions of Title 10, Chapter 9a, et seq. Utah Code Annotated, 1953, as amended.

21.1.4. Definitions and applicability.

For the purposes of this Chapter all terms shall have the same definition as provided by §10-9a-103, Utah Code Annotated, 1953, as amended.

21.1.5. Jurisdiction and penalties.

(1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and
(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable city ordinances on land use and development.

(2) (a) The city may bring an action against an owner to require the property to conform to

the provisions of this chapter.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) The city need only establish the violation to obtain the injunction. (Ref UCA §10-9a-61 1)

21.1.6. Creation of substandard lots prohibited.

No lot shall be created that does not conform to the requirements of this code and the zoning district in which it is located.

21.1.7. Protection of land in an agriculture protection area.

For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Ref UCA §17-41-403)

21.1.8. Notice of shooting range area.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

Shooting Range Area

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Reference UCA §47-3-3)

21.1.9. Definitions.

As used in this chapter:

"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

"Record of survey map" means a map of a survey of land prepared in accordance with Section 17-23-17.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater

systems.

"Special district" means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

"Specified public utility" means an electrical corporation, gas corporation, telephone corporation, franchise or other quasi-public utility as those terms are defined in Section 54-2-1.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way, and which may be classified as Rural, Residential, Local, Collector, Arterial, and Main Street or as otherwise defined in the Grantsville City Street Master Plan.

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

"Subdivision" includes:

(1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

(2) except as provided for in the following Subsection regarding the division or partition of agricultural land, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Subdivision" does not include:

(1) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(2) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

(a) no new lot is created; and

(b) the adjustment does not violate applicable land use ordinances; or

(3) a recorded document, executed by the owner of record:

(a) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

(b) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

(4) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

"Unincorporated" means the area outside of the incorporated area of Grantsville City.

"Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

21.1.10. Plats required.

(1) Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address,

the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The planning commission shall approve the plat as provided in this code.

Before final approval of a plat, the owner of the land shall provide the planning commission with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept by the City until the owner of the land shall file and record it in the county recorder's office. (Reference UCA §10-9a-603)

21.1.11. Agricultural Exemptions from plat requirements.

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this code if the lot or parcel:

(a) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(b) meets the minimum size requirement of applicable land use ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this code, shall be recorded with the county recorder.

(3) If a lot or parcel exempted under Subsection (1) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this code. (Reference UCA §10-9a-603)

(4) A plat is not required for a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use regulation. (Reference UCA §10-9a-602)

21.1.12. Applicability of regulations.

(1) Conservation subdivisions as defined in this chapter may be used for residential developments in the R-1-21, RR-1, RR-2.5, RR-5, and A-10 zoning districts. Conservation subdivisions shall meet the standards established in Table 21.1.1. A minor subdivision shall not be a conservation subdivision. Subdivisions that are not required to be developed as a conservation subdivision shall be in compliance with all applicable Grantsville City ordinances, regulations, or resolutions and when in conflict, the provisions of this chapter shall prevail.

(2) The maximum number of lots in a conservation subdivision shall be determined by either of the following two methods adding any bonus density allowed in the zoning district where it is located, at the discretion of the applicant:

(a) The maximum number of lots as determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

(i) slopes over 30% of at least 5000 square feet contiguous area;

(ii) all area included in the 100-year floodplain;

(iii) bodies of open water over 5000 square feet contiguous area; and

(iv) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or

(b) The maximum number of lots is based on a conventional subdivision

design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible.

21 .1 .13. Site analysis map.

(1) Concurrent with the submission of a concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter.

21 .1 .14. Definition of open space.

(1) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant per Utah Code Annotated 57-1 8-4. Grantsville City reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Annotated 57-1 8-6. Uses of open space may include the following:

- (a) conservation of natural, archeological or historical resources;
- (b) meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (c) walking, equestrian, off-highway vehicle or bicycle trails;
- (d) passive recreation areas, such as open fields;
- (e) active recreation areas which include 15% or less of the total open space area in impervious surfaces;
- (f) agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (g) landscaped storm water management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
- (h) easements for drainage, access, and underground utility lines; and
- (i) other conservation-oriented uses compatible with the purposes of this chapter.

21 .1 .1 5. Open space requirements.

(1) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the conceptual plan and recorded on the final plat. The minimum restricted open space shall comprise at least 40% of the gross tract area.

(2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement except that historic structures and existing trails may be counted. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space.

(3) At least 25% of the open space shall consist of land that is suitable for building.

(4) At least 75% of the open space shall be in a contiguous or interconnecting tract. The open space shall be designed in such a way that it adjoins any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. If there is no defined or identified open space on adjoining land, then the open space shall provide areas for the eventual connection with future development.

(5) The open space shall be directly accessible to the largest practicable number of

lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

21.1.16. Open space networks configuration.

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
- (2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- (3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- (4) Paths located in primary conservation areas shall be constructed of pervious materials.
- (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the city engineer.
- (6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the city engineer.

21.1.17. Open space and conservation areas.

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

21.1.18. Primary conservation areas.

Primary conservation areas form the core of the open space to be protected. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

- (1) cemeteries;
- (2) problematic soils and the 100-year floodplain;
- (3) archaeological sites, cemeteries and burial grounds; and
- (4) prime agricultural lands of at least five acres contiguous area.
- (5) habitats for endangered or threatened species;
- (6) wetlands identified by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;
- (7) lakes both natural and manmade, rivers, streams, existing ponds, stormwater management ponds and facilities, creeks, and State waters;
- (8) riparian zones along all perennial and intermittent streams equal to any required stream buffers and improvement setbacks;
- (9) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps.
- (10) critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources.

21.1.19. Value of primary conservation areas.

Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

21.1.20. Secondary conservation areas.

- (1) Secondary conservation areas consist of undeveloped (unconstrained) but buildable land and protected (constrained) lands. Secondary conservation areas, as defined by this

ordinance, include the following:

- (a) farmlands, including fields, pastures, meadows;
 - (b) woodlands and buffers except riparian buffers;
 - (c) historic and/or archaeological sites as identified by the Utah Division of State History, Utah State Historical Society;
 - (d) passive recreation areas, public and private, including pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
 - (e) active recreation areas and facilities, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total secondary open space such as parking lots, tennis courts, basketball courts and pools shall be excluded;
 - (f) existing healthy, native forests of at least one acre contiguous area;
 - (g) individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;
 - (h) other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads; and
 - (i) trails that connect the tract to neighboring areas
- (2) One hundred percent of secondary conservation areas may be counted as open space.

21.1.21. Ownership and management of open space.

(1) A homeowners association representing residents of the conservation subdivision may own the open space in fee title. If owned by a homeowners association, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members.

(2) The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

(3) The applicant shall submit a plan for management of open space and common facilities that:

(a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

(d) provides that any changes to the plan be approved by the Grantsville City council; and

(e) provides for enforcement of the plan, which may include a bond or other financial guarantee.

(4) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Grantsville City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners association or to the individual property owners and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties or the open space property.

21.1.22. Prohibited uses of open space.

(1) Uses of open space shall not include the following:

- (a) roads

- (b) parking lots that occupy more than 15% of the open space;
- (c) dwellings;
- (d) commercial uses; or
- (e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the applicant or City chooses to place on the use of the open space.

21.1.23. Requirements for conservation easements.

A conservation easement shall:

- (1) clearly delineate primary and secondary conservation areas;
- (2) describe the features of the subject property that should be permanently protected in accordance with the Land Conservation Easement Act, Utah Code

Annotated Section 57 Chapter 18;

- (3) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

- (4) clearly list restrictions;

- (5) protect the open space in perpetuity by a binding legal instrument that is recorded, which the instrument shall be:

- (a) a permanent conservation easement in favor of either:

- (i) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

- (ii) a governmental entity with an interest in pursuing goals compatible with the purposes of this chapter.

- (b) a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

- (c) an equivalent legal tool that provides permanent protection, if approved by Grantsville City.

- (6) If the entity accepting the easement is not Grantsville City, then a third right of enforcement favoring Grantsville City shall be included in the easement.

- (7) The permanent restrictive covenant(s) shall:

- (a) clearly delineate primary and secondary conservation areas;

- (b) describe the features of the subject property that should be permanently protected;

- (c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

- (d) clearly list restrictions;

- (e) provide for inspections of the property by Grantsville City;

- (f) provide for maintenance of the property;

- (g) be shown on the final plat and duly recorded with the office of the county recorder;
- and

- (h) provide for amendments only with the express written permission of the property owners and Grantsville City. Amendments to the covenant shall be recorded in office of the county recorder.

- (8) show the area and a notation as to the conservation easement on the final plat and be duly recorded with the office of the county recorder; and

- (9) provide for amendments only with the express written permission of the property owners, the holder of the easement, and Grantsville City.

21.1.24. Notice of disclosure.

Before Grantsville City receives a conservation easement, it shall be disclosed to the easement's grantor, at least three days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement, and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement.

21 .1 .25. Conservation subdivisions, open space and density.

Conservation subdivision density shall be calculated in accordance with Table 21.1 below:

Table 21.1 Conservation subdivision open space and density.					
Use	R-1-21	Rural Residential (RR-)			A-10
		1	2.5	5	
percent of open space required for 100% density buildout	40%	40%	40%	40%	40%
minimum size of lots	8,000 sq ft.	10,890 sq ft.	15,246 sq ft.	21,780 sq ft.	43,560 sq ft.
for every 15% in additional contiguous open space, an increase of 10% in density	Yes	Yes	Yes	Yes	Yes
the minimum parcel size in acres to be divided by conservation subdivisions	10	10	25	20	40

SECTION 2

SUBDIVISION APPLICATION PROCEDURE

Section

- 21.2.1. Diligence.**
- 21.2.2. Application procedure.**
- 21.2.3. Zoning administrator to determine a complete application.**
- 21.2.4. Lack of preliminary subdivision application information - a determination of an incomplete application.**
- 21.2.5. Appeal of zoning administrator's determination of completeness.**
- 21.2.6. Concept plan requirements.**
- 21.2.7. Design stage preliminary plat requirements.**
- 21.2.8. Design stage infrastructure design and engineering drawings requirements.**
- 21.2.9. Final plat requirements.**

21.2.1. Diligence.

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this chapter will be deemed null and void and all vested rights are waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the planning commission within 365 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.

21.2.2. Application procedure.

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage of the subdivision process shall be accepted until such time as the City has approved the application for the previous stage of the development.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The planning commission may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of city service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the city and its residents.

(6) Appeals of the decision of a planning commission on any subdivision shall be made in writing to the city council within 30 days of the decision.

21.2.3. Zoning Administrator to determine a complete application.

The zoning administrator shall determine if an application is complete and contains all required materials as required by this chapter.

21.2.4. Lack of preliminary subdivision application information - a determination of an incomplete application.

(1) The lack of any information required by this chapter for a complete application, or improper information supplied by the applicant, shall be cause for the zoning administrator to find the application incomplete.

(2) A determination of an incomplete application shall prohibit the scheduling of the application on a planning commission meeting agenda. If the application lacks any required information, the zoning administrator shall notify the applicant of the material or information lacking from the application. The zoning administrator shall allow 30 days from the date of notification for the applicant to provide the materials or information required. If the application remains incomplete after 30 days the zoning administrator shall return the entire incomplete application to the applicant, accompanied by all application fees paid.

21.2.5. Appeal of zoning administrator's determination of completeness.

Any person aggrieved by a decision of the zoning administrator in a determination of a complete application may appeal the zoning administrator's decision in writing within 30 days of the zoning administrator's decision to the planning commission.

21.2.6. Concept plan requirements.

The concept plan shall show:

- (1) the general location of the subdivision, the property boundaries and adjoining properties with ownership;
- (2) lot and road layout indicating general scaled dimensions;
- (3) county, township, range, section, quarter section, blocks, the number of lots, principal meridian and true north;
- (4) a vicinity map showing significant natural and man-made features off site with a scale of 1 inch = 2000 feet on the site;
- (5) the acreage of the entire tract and the acreage of the portion to be developed;
- (6) the area for which approval will be requested for the first phase of development except for minor, commercial and industrial subdivisions;
- (7) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;
- (8) the sites, if any, for multi-family dwellings, shopping centers, community facilities, commercial, industrial, or other uses exclusive of single-family dwellings;
- (9) total development area, the number of proposed dwelling units and the amount of open space.
- (10) easements and rights-of-way;
- (11) property boundaries;
- (12) all ponds, wetlands and other hydrologic features;
- (13) topographic contours;
- (14) all primary and secondary conservation areas labeled by type, as described in sections 21.1.18 and 21.1.110 of this chapter;
- (15) general vegetation characteristics;
- (16) general soil types;
- (17) the planned location of protected open space;
- (18) existing roads and structures;

- (19) potential connections with existing greenspace and trails.
- (20) parcels of land that will have a conservation easement or are to be dedicated for schools, roads, parks, or other public purposes; and
- (21) an approval signature block for the planning commission chair.

21.2.7. Preliminary plat requirements.

(1) The preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for its denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) Each plat shall show:

(a) the general location of the subdivision and adjoining properties with ownership;

(b) all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;

(c) the 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;

(d) bearing and distance tie-in to the historic and dependant survey with at least two established control monuments referenced to the Tooele County Control Network.

(e) county, township, range, section, quarter section blocks, plats and true north shall be included on the plat;

(f) graphic scale of the plat;

(g) existing ground contours at 2 foot intervals based on National Geodetic Survey Sea Level Datum;

(h) the name of the subdivision as approved by the county recorder;

(i) An open space management plan, as described in Section 21.1.20;

(j) a vicinity map showing significant natural and man-made features on the site and within one mile of the subdivision perimeter boundary with a minimum scale of 1 inch = 2000 feet;

(k) total project area;

(l) locations and dimensions of existing structures;

(m) lot perimeter utility easements; and

(n) approval signature blocks for:

(A) the public works director;

(B) the city engineer;

(C) the city planner;

(D) the county surveyor; and

(E) the planning commission chair.

(F) the city fire department.

(5) the bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(6) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(7) All blocks and lots within each block shall be consecutively numbered.

Addresses shall be issued by the city engineer and shall be shown on the plat with the

corresponding lot number.

(8) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(9) Excepted parcels shall be marked, "Not included in this subdivision."

(10) All public lands shall be clearly identified.

(11) All public roads shall be clearly marked as "dedicated public road."

(12) All private roads shall be clearly marked as "private road."

(13) All roads shall be identified by names approved by Grantsville City.

(14) All easements shall be designated as such and dimensions given.

(15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, open space, walkways, streets, or as excepted parcels.

(16) Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(19) Surveys shall tie into the state grid or other permanent marker established by the county surveyor and shall give a description, the name and the date on survey monuments found.

(20) The plat shall be labeled "Preliminary plat."

(21) If the subdivision does not have a public water system connection, the amount of water allocated to each lot in acre feet.

(22) The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision. (Ref UCA §1 0-9a-603)

(23) Title Block with the name, address and license number of the land surveyor, preparation date and revision dates.

21.2.8. Infrastructure design and engineering drawings requirements.

(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage, and shall include:

(a) plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) the size and location of proposed sewage systems, culinary water, secondary water, storm drainage, roads, power, gas and other utilities and any man made features and the location and size of existing sewage, culinary water, secondary water, storm drainage, roads, power, gas and other utilities to 200 feet beyond the subdivision;

(e) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;

(f) water courses and proposed storm water drainage systems including culverts, water areas, delineated wetlands, streams, areas subject to occasional flooding, marshy areas or swamps;

(g) areas within the 100-year flood plain;

(h) soil types and soil interpretations taken from the National Cooperative Soils Survey;
(i) the location of all street signs and traffic control devices required by the City in accordance with the Manual of Uniform Traffic Control Devices;
(j) a signature block for the city engineer on each design and construction drawing;
(k) a signature block for the city public works director on each design and construction drawing;
(l) geologic maps and investigation reports regarding area suitability; and
(m) a design report stamped by an engineer licensed in the State of Utah as may be required by the city engineer.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(3) Poorly-drawn or illegible design and engineering drawings shall be cause for denial.

(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans.

21.2.9. Final plat requirements.

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements, and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office. The surveyor making the plat shall bond or provide to the city adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the city engineer and shall be shown on the plat with the corresponding lot number.

(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by Grantsville City.

(13) All easements shall be designated as such and dimensions given.

(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as

those of both end lot lines.

(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the state grid or other permanent marker established by the county surveyor.

(19) The plat shall be labeled "Final Plat."

(20) The information on the final plat shall include:

(a) the name of the subdivision, true north arrow and basis thereof, and date;

(b) the owner's dedication which shall contain the language:

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as

NAME OF SUBDIVISION

The undersigned owners hereby dedicate to Grantsville City all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of public utility service lines and facilities.

(c) names of the owner or owners including beneficial owners of record under the signature lines in the owner's dedication;

(d) square footage of each lot under one acre or the lot acreage if one acre or larger;

(e) township, range, section and quarter section if a portion;

(f) graphic scale;

(g) the State plane coordinates on the subdivision boundary;

(h) survey monuments which are marked with a description, the name and the date;

(i) the total water allocation in acre/feet for each lot for its allocation of water;

(j) the 100-foot radius wellhead protection zone on all existing wells;

(k) signature blocks for:

(i) any improvement, service and special districts or areas where any part of the platted property is located;

(ii) the city engineer;

(iii) the city public works director;

(iv) the city attorney;

(v) the county treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;

(vi) the recordation of the plat by the Tooele County Recorder's office with a line for the recordation number, who it is recorded for, the date, time and fee;

(vii) the city fire department;

(viii) the county surveyor;

(ix) the city planning commission chair; and the mayor with an attest from the city recorder.

SECTION 3

MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

(Amended 03-08)

Section

- 21.3.1. Purpose.
21.3.2. Approval process.
21.3.3 Lot line adjustments.

21.3.1. Purpose.

(1) A minor subdivision is a division of land into no more than four lots. A minor subdivision shall not:

(a) include the construction and dedication of new infrastructure, unless approved by the Planning Commission and City Council;

(b) be a part, phase or undeveloped remnant of a previously approved minor or major subdivision; and

(c) The subdivision must have adequate culinary water, sewer and electrical services readily available at such time as it is developed for commercial or residential use.

(2) All lots shall front on a city street or an approved private road.

(3) Land may be dedicated along existing city streets to increase the right-of-way to current city standards.

(4) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor, and shall not be created by deed alone.

(5) Public utility easements shall be dedicated in a minor subdivision.

(6) If a proposed minor subdivision is located in a zoning district other than in an Agricultural (A) or Rural Residential (RR) zoning district, the adjoining public or private road approved by the Planning Commission shall be fully improved on the side of the street fronting the development with a minimum paved travel surface width of 24 feet or half the street pavement width per the street classification whichever is greater. All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to city standards for a "Public Road, Standard Street Section" as specified in Grantsville City's Technical Specifications and Standard Drawings, unless waived by the city council. The city maintenance director may also require a drainage plan and the installation of related flood control improvements and other city or private utilities as may be necessary. No building permit shall be issued in the minor subdivision until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of Chapter 21, Section 7 of this Code. The City Council may also require that the subdivision improvements be guaranteed for two years after their installation, in a manner consistent with guarantees required for a standard subdivision. **(The following section is an amendment dated 03-08)** If the City Council waives the completion of sidewalk, curb, gutter or other improvements for a minor subdivision at the time of approval, the owner of the minor subdivision shall as a condition of approval be required to include a notation on the subdivision plat as follows: "The approval of this minor subdivision was granted upon condition that the owner or owners of each lot in this subdivision will immediately install or pay for the installation of sidewalk, curb, gutter or other required and specified offsite improvements, within ninety days of a written requires of Grantsville City to complete said improvements. The requirement to install or pay for said improvements was an agreement of the original owner of this subdivision and is a covenant running with these lots and subsequent owners of these lots shall also assume the same obligation when they acquire ownership of the same.

21.3.2. Approval process.

(1) The application for a minor subdivision shall be submitted to the zoning administrator. When the zoning administrator determines that the application is complete and correct, and all signatures are on the plat, the application shall be placed on the planning commission agenda for consideration. The planning commission need not conduct a public hearing, but may choose to hold a public hearing if warranted. The planning commission shall discuss and review the application at a public meeting. The planning commission shall then make a recommendation on the application to the city council. The city council shall review the plat at a public meeting where it can approve or deny the plat. The city council may also conduct a public hearing on a minor subdivision if it is deemed warranted, prior to making a decision on the proposal. Notwithstanding any provision to the contrary in Chapter One of this Code, no public hearing shall be required by the planning commission or city council prior to considering or approving a minor subdivision.

(2) A minor subdivision application shall include:

(a) the application form;

(b) one 24"X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;

(c) seven 24" X 36" prints of the plat, for distribution to:

(i) zoning administrator

(ii) the city planner;

(iii) the public works director or county health department if not connecting to the city's water and sewer systems;

(iv) Tooele County School District;

(v) the soil conservation district within which the subdivision is located;

(vi) the county recorder; and

(vii) the city fire department.

(d) fourteen 11" X 17" copies of the plat for distribution to each planning commission member; and

(e) an additional 11" X 17" copy of the plat in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a Grantsville City, where notice will be given to Tooele County;

(ii) for each servicing utility; and

(iii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway.

(f) proof of ownership demonstrated by a title report and vesting documents of conveyance completed within the previous six months;

(g) utility approval forms;

(h) evidence of availability of water and secondary water rights if the minor subdivision has had a secondary water right attached to it or has been irrigated with secondary water within past five years for all lots; (Ref Grantsville City Code §28-22)

(i) evidence of availability to sewer system or if on septic systems or a private well a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;

(j) names and addresses of the owners of all properties within 300 feet of the proposed subdivision;

(k) a plat map from the Tooele County Recorder's Office showing the property and all adjoining properties around it;

(l) approval of the subdivision name from the Tooele County Recorder's Office;

(m) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(n) if the applicant is not the owner of record, a notarized statement that the applicant

has been authorized by the owner to make application;

(o) a letter from the Grantsville City fire department acknowledging fire protection can and will be provided to the subdivision; and

(p) any unpaid fees owed to Grantsville City for development of land, code enforcement or building permits.

(3) All signature blocks except for the city attorney, planning commission and mayor's block shall be signed by each approving authority before the plat is submitted.

(4) Should the planning commission's decision be to recommend approval of the plat, the chair shall sign the plat.

(5) The city council shall review the plat at a public meeting where it may approve or deny the plat. If approved, the plat shall be recorded within thirty days if no financial guarantee is required or within ninety days if a financial guarantee is required for subdivision improvements. If a financial guarantee is required, the city council may authorize the Mayor and city staff to approve the financial guarantee and construction drawings after approval of the plat. If the plat is not recorded as provided herein shall be void. (Ref UCA §1 0-9a-1 03, 1 0-9a-207, 1 0-9a-603, 1 0-9a-604)

21.3.3 Boundary Line Adjustments.

(1) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with Subsection 21.3.3(2). The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section 1 0-9a-608(7).

(2) The Zoning Administrator shall approve an exchange of title under Subsection 21.3.3(1) if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.

(3) If an exchange of title is approved under Subsection 21.3.3(2):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the Zoning Administrator;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of U.C.A. Title 57, Chapter 2a, Recognition of Acknowledgments Act;

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title and

(E) contain a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder.

(ii) a conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(d) A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

SECTION 4 MAJOR SUBDIVISIONS

Section

21.4.1.	Application.
21.4.2.	Approval process.
21.4.3.	Phase development.
21.4.4.	Concept plan application.
21.4.5.	Preliminary plat and infrastructure design application.
21.4.6.	Utility and agency response.
21.4.7.	Final plat stage application.
21.4.8	Appeals.

21.4.1. Application.

A major subdivision is a division of land into five or more lots. A major subdivision of more than 25 lots shall be phased for development. Infrastructure and public facilities shall be dedicated as a part of the subdivision process.

21.4.2. Approval process. (Amended by Ordinance No. 2008-16)

(1) A major subdivision shall be processed in three stages:

(a) the concept stage, which will go to a planning commission public hearing where the planning commission shall take public comment, discuss and review the application and then make a recommendation on the application. The application shall then be forwarded to the city council which will consider the concept application after conducting a public hearing;

(b) the preliminary plat, infrastructure and design drawings, after which the application will be placed on the planning commission public meeting agenda for a decision to approve or deny. The planning commission shall also conduct a public hearing regarding a preliminary plat for a multiple unit residential, commercial or industrial development prior to approving the same.

(c) the final plat, which will be placed on the planning commission public meeting agenda where it shall make a recommendation to the city council. Should the planning commission's decision be to recommend approval of the plat, the chair then shall sign the plat.

(d) The city council shall review the plat at a public meeting where it can approve or deny the plat. Approval of the final plat shall also include approval of the preliminary plat and design drawings. If approved, the final plat shall be recorded within ninety days or it shall be void. The developer may, however, request that the City Council grant up to an additional 180 days to record the final plat, for good cause shown. **(Amended 04-08)**

21.4.3. Phase development.

(1) The preliminary and final platting of subdivisions containing more than 25 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the city engineer, and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.

(3) A preliminary and final plat including more than 25 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

21.4.4. Concept plan application.

(1) The application for concept plan approval of a major subdivision shall be submitted to the zoning administrator. When staff determines that the application is complete, the application shall be placed on the planning commission agenda for a public hearing and for consideration. A concept plan application shall include:

- (a) the application form;
- (b) seven 24" X 36" prints of the concept plan, for distribution to each of the following:
 - (i) zoning administrator
 - (ii) the city planner;
 - (iii) the public works director or county health department if not connecting to the city's water and sewer systems;
 - (iv) Tooele County School District;
 - (v) the soil conservation district within which the subdivision is located;
 - (vi) the city engineer; and
 - (vii) the city fire department.
- (c) fifteen 11" X 17" copies of the concept plan for distribution to each planning commission member; and
- (d) an additional 11" X 17" copy of the concept plan in each of the following circumstances:
 - (i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a Grantsville City, where notice will be given to Tooele County;
 - (ii) for each servicing utility; and
 - (iii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway.
- (e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;
- (f) utility approval forms;
- (g) the proposed source and amounts of water for all lots;
- (h) names and addresses of the owners of all properties within 300 feet of the proposed subdivision's boundaries
- (i) approval of the subdivision name from the recorder's office;
- (j) a plat map from the recorder's office showing the property and all adjoining properties around it;
- (k) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;
- (l) a letter from the local fire department acknowledging it can and will provide fire protection to the subdivision;
- (m) site analysis map as specified in Section 21.1.13; and
- (n) the application fee along with any unpaid fees owed to Grantsville City for development of land, code enforcement or building permits.

(2) A development phasing schedule, if applicable, including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

(3) A tax clearance from the Tooele County Assessor indicating that all taxes, interest and penalties owing for the property have been paid;

(4) A statement identifying the proposed method of bonding for required subdivision improvements, including streets, roads, and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities and such

other necessary facilities as may be required by the City;

(5) The concept plan approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

21.4.5. Preliminary plat and infrastructure design application.

(1) Within six months of concept stage approval or within an approved six month extension, a complete application for the design stage of a major subdivision shall be submitted to the zoning administrator.

(2) Within 21 days after the applicant or authorized representative submits an application, a pre-design conference shall be set up with the applicant, the zoning administrator, city planner, city public works director, all affected entities, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) After the pre-design conference, the applicant shall submit to the zoning administrator all corrected construction drawings, design reports and the preliminary plat. When it is determined that all of the corrections to the preliminary plat, infrastructure design and engineering drawings and if needed a new cost estimate of off-site infrastructure improvements from the predesign meeting are made, and these items are determined to be complete and correct, the submittal will be placed on the planning commission public meeting agenda for review unless the proposed development includes a multiple unit residential structure, commercial or industrial development in which case the planning commission shall hold a public hearing. After the planning commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda.

(4) The design stage must be completed within one year unless an extension of no more than six months is granted by the planning commission.

(5) The preliminary plat and infrastructure design application shall include:

(a) the application form;

(b) eight 24" X 36" prints of the preliminary plat and infrastructure design and engineering drawings, for distribution to each of the following:

(i) zoning administrator

(ii) the city planner;

(iii) the public works director or county health department if not connecting to the city's water and sewer systems;

(iv) Tooele County School District;

(v) the soil conservation district within which the subdivision is located;

(vi) the county recorder;

(vii) the city engineer; and

(viii) the city fire department.

(c) fifteen 11" X 17" copies of the preliminary plat for distribution to each planning commission member;

(d) an additional 11" X 17" copy of the preliminary plat for each servicing utility;

(e) a list of off-site improvements and an estimate of the cost to complete such improvements signed and stamped by a licensed engineer;

(f) proof of ownership demonstrated by a two copies of a title report and vesting documents of conveyance completed within the previous six months;

(g) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(h) if the development is not being connected to the city culinary water or sewer system, a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;

(i) a traffic impact study as required by the planning commission;

(j) engineering for the proposed water system and a calculation of all culinary and secondary water rights to be provided pursuant to Sec. 21.6.12(3); and

(k) the application fee along with any unpaid fees owed to Grantsville City for development of land, code enforcement or building permits.

(l) A copy of the State Highway Access permit or railroad crossing permit when a new street will connect to a State highway or will cross a railroad, along with any design requirements as established by the Utah Department of Transportation.

(m) Copies of proposed protective covenants, trust agreement and homeowner's association articles and bylaws.

(n) Provide evidence of application for storm water discharge permit with State.
(Amended 06-07)

(o) Provide evidence of Record of Survey number by placing it on the first page of preliminary drawings. (Amended 06-07)

(p) Evidence of application (Notice of Intent form) for a Utah Pollutant Discharge Elimination System. (Amended 06-07)

(6) Approval of the design stage shall be valid for not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

21.4.6. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency.

21.4.7. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat and copies of all required material to the zoning administrator to start the final plat stage. When zoning administrator determines that the application is complete and all signatures are on the plat, the application shall be placed on the planning commission agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than one year from the date of the design stage approval, unless one 180 day extension request has been granted.

(2) An application shall include:

(a) an application form;

(b) an original 24" X 36" Mylar of the final plat;

(c) cost estimate for construction of infrastructure signed and stamped by a licensed engineer and approved by the city engineer and public works director;

(d) draft agreement for subdivision improvements including a listing of all subdivision improvements and the estimated cost of each improvement;

(e) An instrument of permanent protection, such as a conservation easement as described in section 21.1.22 for the open space;

(f) fifteen 11" X 17" copies of the plat for distribution to each planning commission member;

(g) a valid water conveyance of water rights pursuant to Section 21 .6.12 of this Chapter to service the development and other documentation evidencing the perpetual availability of adequate non-City water for outdoor use. The Developer shall also be required to pay for and

submit to the City an opinion from an independent water rights attorney to be designated or approved by the City, indicating the legal status of the water rights to be conveyed, whether or not the proposed conveyance will meet the requirements of the City ordinances and that the transaction will be effective in conveying the required water and water rights the City. The Developer shall also obtain and pay for a policy of title insurance for the culinary water rights in an amount to be approved by the City and provide a valid deed or certificate to the City for all required secondary water rights. The secondary water rights shall be accompanied with a current letter from the irrigation company that issued the secondary water rights, indicating that the water rights are valid and that the conveyance to the City will be or is recognized by the irrigation company; The City will allow the culinary and secondary water rights to actually be transferred to the City after the city council has approved the final plat, but the developer shall be required to provide a copy of the proposed deeds or certificates and a commitment for the title insurance prior and letter from the irrigation company prior to final approval.

(h) the application fee along with any unpaid fees owed to Grantsville City for development of land, code enforcement or building permits.

(3) All signature blocks except for the planning commission's block shall be signed by the appropriate approving authority before the plat is taken to the business meeting.

(4) the preliminary plat and construction drawings submitted on a two computer disks in a format compatible with AutoCAD version 11 or later. The boundary and ownership lines depicted on the preliminary plat to be submitted with the following layers and names: An abbreviation of the subdivision name to be included in the blank space in the layer name below:

Exterior Boundary Lines	Sub- Bndy
Right-of-way Lines	Sub--Row
Lot Lines	Sub--LL
Centerline Roads	Sub--CL
Easement Lines	Sub-Ease
Section Lines	Sub-Section
Ties to Section Corners	Sub- -Section-Tie
Street Monuments	Sub-St-Mon
Lot Numbers	Sub-Lots
Street Names	Sub-Streets;

(5) Should the planning commission's decision be to recommend approval of the plat, the chair shall sign the plat.

(6) The city council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If approved, the plat shall be recorded within ninety days or it shall be void. The city council may authorize the Mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for the culinary water after approval of the final plat, but prior to the final plat being recorded. (Ref UCA §1 0-9a-1 03, 1 0-9a-207, 1 0-9a-603, 1 0-9a-604)

21.4.8. Appeals.

(1) The applicant or developer that has submitted a subdivision or development to the City under this Chapter, may appeal any decision made by the zoning administrator or planning commission regarding the proposed subdivision to the city council, whose decision shall then be final. Any such decision appealed from shall be presented to the city recorder in writing within 30 days after the entry of the decision appealed from. The city council shall consider the appeal within 60 days of receipt of the written appeal.

SECTION 5 PLANNED UNIT DEVELOPMENT SUBDIVISIONS

Section

21.5.1.

Application.

21.5.1. Application.

(1) A planned unit development is required for:

(a) a master planned community; or

(b) commercial or industrial land divisions.

(2) A planned unit development shall meet the requirements of Chapter 12 and follow the procedures in Section 4 of this code.

(3) Infrastructure and public facilities shall be dedicated in a planned unit development. A planned unit development shall connect to the city's public water system which shall serve all lots being created. The water system shall provide for fire flow storage of water to supply hydrants that comply with the current state adopted fire code and NFPA guidelines for the type of occupancy and level of development.

(6) A planned unit development shall be filed on a plat drawn and stamped by a licensed surveyor and identified as such.

SECTION 6 DESIGN STANDARDS

(Amended 06/07, 08-07, 02-08, 03-08)

Section

21.6.1.

Application.

21.6.2.

Lots.

21.6.3.

Roads.

21.6.4.

Frontage on arterial and collector roads.

21.6.5.

Sidewalks, curbs and gutters.

21.6.6.

Blocks.

21.6.7.

Monuments.

21.6.8.

Easements.

21.6.9.

Utilities to be underground.

21.6.10.

Sewer systems.

21.6.11.

Sanitary sewer mains, laterals, and house connections Future.

21.6.12.

Water supply.

21.6.13.

Storm drainage and flood plains.

21.6.1. Application.

(1) All subdivisions shall comply with the design standards set forth in this Chapter.

(2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision.

21.6.2. Lots.

(1) No single lot shall be divided by a municipal, or county boundary line. (2) A

lot shall not be divided by a street or another lot.

(3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.

(4) Side lot lines shall be at substantially right angles or radial to road lines.

(5) All lots shall front on a publicly dedicated street or private roads approved by the planning commission.

(6) Unless approved under the provisions of a planned unit development, all lots shall conform to area requirements of the existing zoning district.

(7) If the subdivision is located in an area with fire hydrants, the fire hydrants shall be installed and at operational pressure before construction on a structure proceeds beyond footings and foundation.

21.6.3. Streets. (Amended 06-07, 08-07, 03-08 & '08 with Ordinance No. 2008-22)

(1) Roads shall be designed in accordance with standards adopted by Grantsville City.

(2) Streets shall bear the names of existing aligned streets. There shall be no duplication of road names. All road names shall be approved by Grantsville City.

(3) The arrangement on new streets in a development shall provide for the continuation of existing streets in adjoining areas at widths as designated by the street classification as found in the Grantsville City Street Master Plan and Grantsville City's Street Technical Specifications and Standard Drawings. No subdivision street shall extend farther than 650 feet beyond its intersection with another street. **(Amended 06/07)**

(4) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the city public works.

(5) Temporary road signs shall be installed by the developer with the road names approved on the plat.

(6) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Grantsville City when the infrastructure is inspected and accepted.

(7) When allowed, dead-end stubbed streets shall be terminated with a cul-de-sac. A minimum radius of 70 feet is required for a cul-de-sac dedication for rural and residential rural streets, which shall include a minimum paved or concrete surface with a radius of 45 feet. All cul-de-sacs shall comply with the City's Technical specifications and Standard Drawings.

(Amended 02-08)

(a) Cul-de-sac streets that terminate with a 60-foot radius bulb shall be designed with a maximum trip generation of 120 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.

(b) Streets in commercial and industrial zoning districts shall be determined by the city engineer using the Institute of Transportation Engineers Trip Generation, current edition for road load and design for the transportation system.

(8) The dedication of half or partial streets in any subdivision or development is prohibited except along the streets adjacent to or bordering the subdivision.

(9) The arrangement of streets in a new subdivision or development shall provide for the continuation of existing streets in adjoining areas at widths designated by the street classification found in the Grantsville Streets Master Plan and the City's design standards.

(10) Streets adjacent to a new subdivision or development shall be fully improved on the side of the street fronting the subdivision with a minimum paved travel surface width of 24 feet or half the pavement width per the street's classification, whichever is greater. All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be construed to city standards on the side of the street fronting the subdivision. The developer shall also be required to improve, pursuant to the provisions of this subsection, the streets, sidewalks, curbs and gutters adjacent to lots and streets in a minor subdivision, when the minor subdivision lots and streets were created within the previous ten (10) years, from the parcel(s)

that are proposed for the new subdivision or development. **(Amended 08-07)**

(11) No development shall be approved unless streets and associated infrastructure leading to the subdivision provide an adequate level of service for existing users while accommodating the new development. The developer shall be responsible to mitigate off site impacts. The traffic impact study shall be considered in the determination of any off site impact mitigation requirements. The level of mitigation of off-site impacts shall be determined by the planning commission upon recommendation by the city engineer in conformance with the City's general plan including associated plans and studies, adopted ordinances, specifications, standards, and considerations of public health and safety.

(12) All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to city standards for a "Public Road, Standard Street Section" as specified in Grantsville City's Technical Specifications and Standard Drawings, unless waived by the city council.

(13) No building permit shall be issued until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of Chapter 21, Section 7 of this Code. The City Council may also require that the subdivision improvements be guaranteed for two year after their installation, in a manner consistent with guarantees required for a standard subdivision.

(14) Subdivisions or developments having thirty or more lots or separate residential units and commercial developments having thirty or more separate commercial lots or proposed businesses shall be required to provide for more than one means of vehicular ingress and egress to the development. The timing of the installation of the alternate means of ingress and egress shall be determined by the City Council, after a recommendation from the Planning Commission. **(Amended with Ordinance No. 2008-18)**

21.6.4. Frontage on arterial and collector streets.

No residential dwelling lots shall directly access arterial or major collector streets. Subdivision design shall provide local access streets to lots along arterial and major collector streets.

21.6.5. Sidewalks, curbs and gutters.

(1) Sidewalks, curbs and gutters shall be provided in accordance with the requirements of the zoning district or the planning commission.

(2) Sidewalks, curbs and gutters shall be installed in accordance with standards adopted by Grantsville City.

(3) The city maintenance director may also require a drainage plan and the installation of related flood control improvements and other city or private utilities as may be necessary.

21.6.6. Blocks.

Block lengths shall be approved by the planning commission. They shall provide

for convenient access and circulation for emergency vehicles.

21.6.7. Monuments.

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Grantsville City. They shall be set on the external boundary of the subdivision, at all road centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every subdivision.

21.6.8. Easements.

(1) A ten-foot public utility easement shall be established along the front of each lot.

(2) A 7.5 foot public utility easement shall be established along the sides and back of each lot.

(3) Guying easements at corners may be required.

21.6.9. Utilities to be underground.

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades prior to utility lines being placed underground.

21.6.10. Sewer systems.

(1) Except as otherwise provided in this section, the subdivider shall provide connection to the city's sanitary sewer system throughout the development and to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of Grantsville City.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision. All on-site wastewater disposal systems shall be approved in writing by the county health department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the county health department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the county health department.

(c) Land with unacceptable soil evaluations as determined by the county health department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of a septic system.

(e) An applicant desiring to install septic system in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable

for the proposed septic system. The facilities shall meet county health department standards and regulations. To be approved, the county health department must find that proposed corrective measures have overcome the severe soil limitations.

21.6.11. Sanitary sewer mains, laterals, and house connections Future.

Where city and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the planning commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision, that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.

21.6.12. Water supply.

(1) Planned unit development subdivisions shall have a public water supply unless this requirement is waived by the city council.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the concept stage, the subdivider shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system for the entire development to include a fire flow calculation. If the subdivision is not being connected to the city public water supply, the county health department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the county health department. All non-public drinking water systems shall meet the standards of Tooele Health Department Regulation #5.

(3) Each development shall provide the details on the type of water system proposed, documentation of existing or proposed water rights and sources, historic water use, the estimated number of gallons per day of water system requirements for indoor and outdoor use, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression. The developer is required to provide dedicated or perpetual water rights or sources to meet the indoor and outdoor use requirements of all of the property in the development and the rights shall be sufficient to meet the total volume of water used and a rate of flow sufficient to meet peak demand. Culinary water rights shall include a conveyance to the City of a type which is perpetual in character and readily capable of use by the City. Outdoor water from a secondary (non-City) source may be obtained and provided from a private well or private water or irrigation company. The general requirement for outdoor water shall be one acre foot of water per one-third acre of net irrigated [area. Net](#) irrigated acreage shall be considered to be 64 percent of the total area of a lot of up to one-half acre and 60 percent of the total acreage of lots over one-half acre in size. All open spaces within a development shall generally be considered as irrigated acreage and one acre foot of outdoor water per one-third acre or any portion thereof shall be required, unless a different plan is proposed by the developer and is approved by the City. The exact amount of indoor and outdoor water rights to be provided should be based on reasonable assumptions with respect to projected use and demand and as reflected in Grantsville City's Capital Facilities Plan and

Water Rights Impact Fee Study, as amended. The conveyance of water rights to Grantsville City should also take into account the uncertainty and time lag often required in securing approval from the State Engineer for a change of use of non-municipal water rights for municipal purposes and potential reductions in the quantity of water available during periods of drought.

(4) Amendments to existing platted subdivisions that require only up to a total of two acre feet of additional indoor water and only up to a total of eight acre feet of additional outdoor water for full development, may at the option of the owner or developer and in lieu of providing actual water rights to the City, pay at the time each building permit is issued for each lot, the applicable indoor and outdoor water rights acquisition impact fees as specified by Chapter 30 of the Grantsville City Code. Minor Subdivisions, small subdivisions and small planned unit developments which have a projected indoor and outdoor water usage comparable to four or fewer single family dwellings are also exempt from the foregoing requirements to provide indoor and outdoor water. A water acquisition impact fee will be charged pursuant to the provisions of Chapter 30 of the Grantsville City Code under such circumstances that the conveyance of water rights is waived.

(5) Notwithstanding anything to the contrary specified in this Chapter, property that is proposed for a subdivision or a minor subdivision that was originally included as a part of a parcel that was previously developed as a major platted subdivision, shall be required to convey culinary and secondary water rights to the city pursuant to subsection (3) above, even if the new proposed subdivision or minor subdivision has four or fewer lots. Any waiver of the requirement to provide secondary water rights to the city by this section, shall not apply to property that has had a secondary water right attached to it or has been irrigated with secondary water within the past five years, pursuant to Sec. 28-20 of the Grantsville City Code.

21.6.13. Storm drainage and flood plains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the infrastructure design and engineering drawings with the preliminary plat for the first phase. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.

21.6.14. Fugitive Dust control.

Any developer or person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques. This section shall not apply to agricultural or horticultural activities.

21.6.15. Essential utilities and infrastructure to be completed prior to issuance of

building permits. (Ordinance No. 2009-06)

- (1) All essential utilities and infrastructure as identified herein, shall be installed and completed in each phase of a subdivision, planned unit development that includes more than one lot, or multifamily dwelling development, prior to the issuance of any building permit in that development. Essential utilities shall include culinary water, sewer lines, paved streets, curb, gutter and drainage improvements (when required by the final design), permanent street signs and electricity service. Notwithstanding anything to the contrary herein, the City Public Works Director shall have authority to authorize the issuance of building permits in these developments, when the street and other required improvements have been completed, with the exception of the street surface course, when taking into account weather and temperature conditions and the feasibility of completing the surface course. If the Public Works Director authorizes building to be issued under these circumstances, no occupancy permits shall approved prior to the final completion of the street surface course.

SECTION 7 FINANCIAL ASSURANCE

Section

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|----------------|---|
| 21.7.1. | Improvement installation guarantee. |
| 21.7.2. | Default. |
| 21.7.3. | Maintenance guarantee. |
| 21.7.4. | Acceptance release of surety. |
| 21.7.5. | Engineering review and inspection fee. |

21.7.1. Improvement installation guarantee.

(1) In lieu of actual installation of off-site and common open space improvements required by this chapter, and before final plat approval by the city council, the subdivider shall guarantee the installation of such improvements by one or a combination of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder or a letter of credit with a financial institution. The city council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If approved, the plat shall be recorded within ninety days or it shall be void. The city council may authorize the Mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for the culinary water after approval of the final plat, but prior to the final plat being recorded.

(2) The guarantee shall be in an amount equal to 120% of the projected costs of required improvements as estimated by a licensed engineer retained by the subdivider and approved by the city engineer. The guarantee shall assure the actual construction of such improvements within two years immediately following the approval of the final plat by the city council and shall include a maintenance guarantee as required by Section 21.7.3 herein.

(3) The guarantee shall be filed with the city recorder.

(4) The guarantee shall be approved as to method, institution and form by the city attorney.

21.7.2. Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the city council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs

incurred by the city to complete the required improvements in excess of the proceeds of the guarantee amount.

21.7.3. Maintenance guarantee. (Amended 2008)

The subdivider shall guarantee all off-site improvements will remain in good condition for a period of two year after the date of final acceptance by the city. The subdivider shall make all repairs to and maintain the improvements in good condition during that two-year period at no cost to the city. The City may require that the improvement assurance warranty be in place for a period of two years following final acceptance by the City, if the City determines for good cause that a lesser period would be inadequate to protect the public health, safety and welfare, and has substantial evidence of prior poor performance of the subdivider/developer; unstable soil conditions exist within the subdivision or development area; or extreme fluctuations exist in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one year period. The guarantee shall extend to and include, but shall not be limited to necessary utilities, the entire street, subgrade, base and surface and all pipes, joints, valves, backfill and compacting, trails, as well as the working surface, curbs, gutters, sidewalks, landscaping and other accessories that are, or may be, affected by construction operations.

- (1) Upon completion of the improvements, the city shall retain at least 20% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the city public works director.
- (2) Identifying necessary repairs and maintenance rests with the city public works director, whose decision upon the matter shall be final and binding upon the subdivider/developer. The public works director shall use city standards and specifications, the preliminary plat and engineering drawings and information from the city engineer as the inspections standards for final acceptance of the required improvements. Whenever, in the judgment of the city public works director, the improvements shall need repairs, maintenance, or re-building, the city public works director shall cause a written notice to be mailed or given to the subdivider/developer. Upon receipt, the subdivider/developer shall undertake and complete such repairs, maintenance or re-building. If repairs are not completed within the specified time, the city shall have such repairs made and the cost of such repairs shall be paid by the subdivider/developer or by the city using the guarantee.

21.7.4. Acceptance and release of guarantee. (Amended 2008)

- (1) Upon completion of improvements, the subdivider/developer shall submit to the City a copy of the as-built construction drawings. Acceptance of all improvements shall be in writing from the public works director.
- (2) The subdivider/developer shall in writing request that the City accept or reject the installation of required subdivision improvements or performance of warranty work.
- (3) The City shall accept or reject the subdivision improvements within 15 days after receiving a written request from the subdivider/developer, or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.
- (4) At the end of the warranty period the City shall accept or reject the performance of warranty work within 45 days after receiving a subdivider/developer's written request or as

soon as practicable after that 45-day period if inspection of the work is impeded by winter weather conditions.

(5) If the City determines that the installation of required subdivision improvements or the performance of warranty work does not meet the City's adopted standards, the City shall comprehensively and with specificity list the reasons for its determination.

(6) Upon final completion of the performance warranty period and with the approval by the city public works director, the financial assurances may be release, at which time the subdivision will be deemed accepted.

(7) Nothing in this section and no action or inaction of the City relieves a subdivider/developer's duty to comply with all applicable substantive ordinances and regulations.

(8) There shall be no money damages remedy arising from a claim under this section.

21.7.5. Engineering review and inspection fee.

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the city recorder a sum equal to five percent of the cost of the improvements to cover engineering review and public works inspection.

SECTION 8 VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS

Section

21.8.1. Vacating or changing a subdivision plat.

21.8.2. City council consideration of petition to vacate or change a plat -- Criteria for vacating or changing a plat -- Recording the vacation or change.

21.8.3 Vacating or altering a street or alley.

21.8.1. Vacating or changing a subdivision plat.

(1) Subject to Section 21.8.3, and provided that notice has been given pursuant to Section 1.18, the City Council may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a subdivision plat.

(2) If a petition is filed, the City Council shall hold a public hearing within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation under Subsection (3), if:

(a) any owner within the plat notifies the City of their objection in writing within ten days of mailed notification; or

(b) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(3) The planning commission shall consider and provide a recommendation for a proposed vacation, alteration, or amendment under Subsection (1) before the City Council takes final action. The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it, or as that time period is extended

by agreement with the applicant.

(4) The public hearing requirement of Subsection (1) does not apply and the City Council may consider at a public meeting an owner's petition to alter a subdivision plat if the petition seeks to join two or more of the owner's contiguous, residential lots and notice has been given pursuant to local ordinance.

(5) Each request to vacate or alter a street or alley, contained in a petition to vacate, alter, or amend a subdivision plat, is also subject to Section 21.8.3.

(6) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section and Section 21.8.3.

(7) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

(8) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with this Subsection. The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section 10-9a-608(7). The Zoning Administrator shall approve an exchange of title under this Subsection if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.

If an exchange of title is approved under this Subsection, a notice of approval shall be recorded in the office of the county recorder which is executed by each owner included in the exchange and by the Zoning Administrator, contains an acknowledgment for each party executing the notice in accordance with the provisions of U.C.A. Title 57, Chapter 2a, Recognition of Acknowledgments Act, recites the descriptions of both the original parcels and the parcels created by the exchange of title and contains a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder. A conveyance of title reflecting the approved change shall be recorded in the office of the county recorder. A notice of approval recorded under this subsection does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

(9) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (9)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with U.C.A. Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with U.C.A. Section 17-23-17 and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(d) Except as provided in Subsection (9)(a), the recording of a declaration or other document that

purports to change the name of a recorded plat is voidable. (Reference U.C.A. §10-9a-608)

21.8.2. City Council consideration of petition to vacate or change a plat

Criteria for vacating or changing a plat -- Recording the vacation or change.

(1) If the City Council is satisfied that the public interest will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the land use authority may vacate, alter, or amend the plat or any portion of the plat, subject to Section 21.8.3.

(2) The City Council may approve the vacation, alteration, or amendment by signing an amended plat showing the vacation, alteration, or amendment.

(3) The City Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.

(4) If an entire subdivision is vacated, the City Council shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the county recorder's office. (Reference U.C.A. §1 0-9a-609)

21.8.3 Vacating or altering a street or alley.

(1) (a) If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision:

(i) the City Council, after providing notice to each property owner that directly adjoins the street or alley that is proposed for vacation and after providing notice pursuant to U.C.A. Section 1 0-9a-208, shall make a recommendation to the Mayor concerning the request to vacate or alter; and

(ii) the Mayor shall conduct a public hearing in accordance with U.C.A. Section 1 0-9a-208 and determine whether good cause exists for the vacation or alteration.

(2) If the Mayor vacates or alters any portion of a street or alley, the Mayor shall ensure that the plat is recorded in the office of the recorder of the county in which the land is located.

(3) The action of the Mayor vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the city's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Reference U.C.A. §1 0-9a-609.5)